

1968 பிப்ரவரி 20]

Act, 1959, and the date on which the Act shall come into force. [Laid on the Table of the House under section 44 (3) of the Madras Land improvement Schemes Act, 1959 (Madras Act 31 of 1959).]

57. Notification issued with G.O. Ms. No. 1935, Agriculture, dated the 27th June 1967, making certain amendments to the Food and Agriculture Department Notifications, regarding the declaration of certain areas in certain districts and preparation and execution of Land Improvement Schemes. [Laid on the Table of the House under section 44 (3) of the Madras Land Improvement Schemes Act, 1959 (Madras Act 31 of 1959).]

58. Notification issued with G.O. No. 2105, Revenue, dated the 1st December 1967, making an amendment to the Madras Minor Inams (Abolition and Conversion into Ryotwari) Rules, 1965, published at pages 1-25 of part V of the Fort St. George Gazette Extraordinary, dated the 15th February 1965, as subsequently amended. [Laid on the Table of the House under section 48 (5) of the Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Madras Act 20 of 1963).]

B. Reports, Notifications and other papers.

11. The Second Report of the Estimates Committee on the action taken by the Government on the recommendations of the Committee contained in the Report on Labour including Factories (Tamil).

† 12. The Madras Appropriation Bill, 1968 (L.A. Bill No. 3 of 1968).

* Laid on the Table of the House on 19th February 1968.

† Despatched to all Members on 19th February 1968.



TAMIL NADU LEGISLATIVE ASSEMBLY DEBATES

THIRD SESSION OF THE FOURTH LEGISLATIVE
ASSEMBLY UNDER THE CONSTITUTION OF INDIA.

12th to 17th, 19th, and 20th February 1968.

Volume VIII (Nos. 1 to 8)

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வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS



How to use the index.

The Index is arranged alphabetically. The Main Headings are printed from the margin and the sub-headings are indented from the main headings.

Under every Main Headings including various names, entries pertaining to proceedings other than Questions are indicated by printing immediately after the subject matter within brackets, e.g., (M) for Motion, (C.A.) for Calling Attention, (R) for Resolution, (St.) for Statement, etc. An entry without any such indication will mean that it pertains to a question, except in the case of Bills and Financial Business, the entry in which cases will be self-explanatory.

All the Bills are alphabetically arranged under the Main Heading 'Bill (s)'.

Various bodies like Committees, Councils, Boards, Corporations etc., are consolidated under the said Main Headings, i.e., 'Committee(s)', 'Council(s)', 'Corporation(s)', etc.

Various Schools, Colleges, Conferences, Ports, Temples and similar other broad subjects are shown in alphabetical order under these very Main Headings.

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Rulings and Observations from the Chair are indexed under the Main Heading "Chair".

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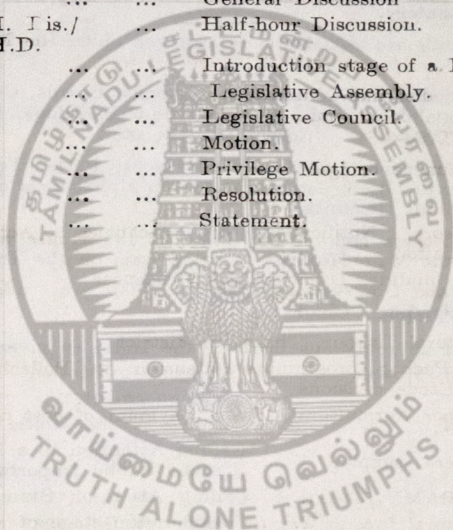
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Ann	...	Announcement.
B. O. H.	...	Business of the House.
C. A.	...	Calling Attention to a Matter of Urgent Public Importance.
C. A. St.	...	Calling Attention Statement.
Consid.	...	Consideration stage of a Bill.

This stage includes :

- (i) Motion to refer to Select/Joint Select Committee.
- (ii) Amendment to refer to Select/Joint Select Committee.
- (iii) Amendment to circulate.
- (iv) Motion to consider as reported by Select/Joint Select Committee.

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According to May's Parliamentary Practice, questions dealing with matters within the jurisdiction of the Speaker should be addressed to the Speaker by private notice, since no written or public notice of questions addressed to the Speaker is permissible. Hence, such questions should not be raised in the House, but should be addressed to the Speaker privately in his Chamber

684

Personal Explanation—

A Member may, with the permission of the Speaker make a personal explanation, if another Member has mentioned anything about him directly or indirectly. Personal explanation should be confined to the Member himself who makes it and no debatable matter may be brought forward, and no debate shall arise

581-582

C—cont.

CHAIR—cont.

RULINGS AND OBSERVATIONS—cont.

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Attribution of impartiality to the Speaker.—The allegation made by a Member that the Speaker's not allowing another Member to put a supplementary question amounted to wilful neglect of that Member, was referred to the Committee of Privileges by the Speaker *suo motu* ... 210-211

Chief Minister's speech at Guntur casting reflection on members of Legislature and its publication in 'The Mail'.—A Member raised a matter of privilege against the remarks of the Chief Minister made at Guntur Bar Association, viz., "Unfortunately today laws are made in Assemblies and Parliament by people who are not fully equipped to make

CHAIR—*cont.*C—*cont.*RULINGS AND OBSERVATIONS—*cont.*Privilege Matters—*cont.*

laws ". He contended that these remarks disclosed a reflection on the Assembly Members that they were not fully competent to function as such and thus the passage brought the Assembly into contempt in the minds of the general public. Hence, a breach of privilege had been committed by the Chief Minister, and by publication of the same by the said daily.

The Chief Minister replied that it was not a reflection on the House for any act done by the House. It was only an analysis of the business of law-making and the equipment that the law-makers possessed. He never intended and he could never intend any contempt of the House of which he formed a part.

The Chair withheld consent on the ground that it was not a matter of recent occurrence and that it was not raised at the earliest opportunity

683-687

Must be raised at earliest opportunity.—As the honour of the House was more important than even the budget which was by itself important, any breach of privilege must be brought before the House at the earliest opportunity and must be given precedence in the House over all other matters

687

Precedence.—Privilege matter takes precedence even over the budget. Even if there is a budget, privilege matter must be taken up first

681

Publication in the daily 'Malai Mani'.—The Deputy Speaker read the notice given by a Member which stated that his request to the Chief Minister to convene the meeting of the Legislative Assembly to discuss the serious situation that had arisen on account of anti-Hindi agitation had been commented upon in the daily "Malai Mani" in a sarcastic and intimidating manner and hence the Editor and Publisher had committed breach of privilege of the member. Ruling was however postponed

782

C—cont.

CHAIR—cont.

RULINGS AND OBSERVATIONS—cont.

Privilege Matters—cont.

Regulation of visitors to the Secretariat Buildings and the precincts of the House.—Consideration postponed

732

Thiru C. Subramaniam's remarks characterising the Language Resolution adopted by the State Assembly as political fraud and its publication in 'The Hindu'.—On 12th February 1968 a Member raised a matter of privilege against Thiru C. Subramaniam and the publisher of the Hindu in respect of a report published in "The Hindu", namely, "Mr. C. Subramaniam described the recent language bill adopted by the State Assembly as the biggest Political fraud".

The matter was held over till 13th February 1968 and again till 16th February 1968. On 16th February 1968 the Member explained how a *prima facie* case of breach of privilege existed. Quoting extracts from May's Parliamentary Practice, Section 194 of the Constitution and the remarks of Thiru C. Subramaniam when a privilege issue was raised in the House against the Corporation of Madras in 1960, the Member contended that words spoken or writings published reflecting on the character or proceedings of the House had been constantly punished by both the Lords and the Commons upon the principle that such acts tended to obstruct the Houses in the performance of their functions by diminishing the respect due to them. By characterising the language resolution adopted by the State Assembly as the biggest political fraud, especially when there was no fraud in any part of the resolution and when it was not voted against by anybody, Thiru C. Subramaniam and the newspaper had committed breach of privilege.

The Leader of the Opposition said that they could not come to any conclusion on the basis of press reports. Thiru C. Subramaniam did

CHAIR—cont.

RULINGS AND OBSERVATIONS—cont.

Privilege Matters—cont.

not mention anything about the House. When once the resolution had been adopted, any member of the public had a right to express his own views on it and that the qualifying word 'political' minimised the mischief of the word 'fraud'.

The Leader of the House suggested that they might call for an explanation from Thiru C. Subramaniam. He observed that in Parliamentary Democracy a person had a right to express his own views on policy matters like language policy of a particular party or person. But Thiru C. Subramaniam had characterised the resolution adopted by the House as the biggest political fraud which affected and lowered the dignity and respect of the Members and the House as a whole. He also pointed out that subsequently Thiru C. Subramaniam had not chosen to deny the statement attributed to him in the Press.

The Chair observed that the immediate question for consideration was whether there was a *prima facie* case of breach of privilege and not whether Thiru C. Subramaniam's statement was true or whether it was wrong. He held over his ruling till 19th February 1968, as he had to thoroughly examine the various aspects with reference to the rules.

On 19th February 1968, the Chair held that there was a *prima facie* case for considering whether the remarks made by Thiru C. Subramaniam tended to lower the dignity of the House and observed as follows :—

“ Freedom of speech guaranteed under Article 19 of the Constitution is subject to reasonable restrictions under law. Characterisation of a resolution adopted by the House as 'political fraud' by implication meant that the House was prone to approve such fraudulent resolutions.

C—cont.

CHAIR—cont.

RULINGS AND OBSERVATIONS—cont.

Privilege Matters—cont.

There was no previous ruling of the Chair that privilege matters should not be raised on the basis of Press Reports.

The word 'political' qualifying the word 'fraud' did not have any special significance, as generally the business of the House involved politics and hence, the adjective could not be said to have taken away the mischief of the word 'fraud'. If the Press Report in 'The Hindu' were true, Thiru C. Subramaniam had used the superlative degree and characterised the resolution as 'the greatest political fraud'."

Then the Member moved "That the matter of privilege against Thiru C. Subramaniam and the Publisher of 'The Hindu' be dealt with by this House itself under Rule 189". The House, by a majority, adopted the motion, rejecting the amendment moved by the Leader of the Opposition "That the *prima facie* case of breach of privilege be referred to the Committee of Privileges".

Finally a motion moved by the Member—"That the Speaker be authorised to give show cause notice to Thiru C. Subramaniam and the Publisher of 'The Hindu' why they should not be held to have committed contempt of the House" was adopted

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Procedure—

Cut Motions and Amendments to Motion of Thanks to Governor's Address.—When notices of Cut Motions and Amendments are given, they will be deemed to have been moved and seconded in the House, without actually doing so in the House and will find a place in the proceedings of the House ...

692-693
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C—cont.

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Recommendation during question hour.—When the Leader of the Opposition recommended to the Minister that the Member who put the supplementary question be taken in as a Member of the Khadi and Village Industries Board, the Chair ruled that nobody could make a recommendation during question hour ... 234

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C—cont.

CRAIR—cont.

RULINGS AND OBSERVATIONS—cont.

Questions and Answers—cont.

Upon this another Member pointed out that inasmuch as the Member had been holding his hand right from the beginning, the ruling that sufficient opportunity had been given was not proper and stated that the rule quoted by the Chair did not give the Speaker absolute power to deprive a member of his right to put supplementary questions and that it only amounted to wilful neglect of a particular Member.

The Speaker then observed that so far as the House was concerned, when he presided, all Members were equal. As the allegation had been made in the House that the Chair had wilfully, that is, with partiality neglected a particular Member, he *suo motu* referred the allegation made by the Member to the Committee of Privileges for examination, investigation and report, under Rule 192

210-211

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Newspapers.—Members may quote from newspapers if it formed the basis for their speeches

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Speeches—

Reading of written speech or from notes.—When a Member was speaking, another Member rose on a point of order and enquired whether it was in order for the Member to read a "written speech".

A Minister observed that while it was usual for a Member who made his maiden speech to read his 'written speech' if those who were good speakers were also allowed to do likewise, such practice might introduce a new convention.

The Leader of the House pointed out that while there was nothing wrong in Members reading their speeches, it was desirable that they refrained from this practice and followed the convention of making *ex tempore* speeches.

The Chair observed that there was nothing wrong in a Member reading his speech, if he wanted to regulate his speech to the time

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